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19  
18 August 2003

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SYDNEY NSW 2001

Your Ref : 510819:SDB:JZB

Examiner's report no. 2 on patent application no. 37952/00  
by NEC CORPORATION

Last proposed amendment no. 2

Dear Madam/Sir,

Thank you for the reply of 22<sup>nd</sup> July 2003 to the last report. My report is based on the specification as if amended by the statement of proposed amendments filed with that reply and dated 22<sup>nd</sup> July 2003. I have considered it and believe that there are lawful grounds of objection to the application as proposed to be amended. These grounds of objection are:

7. Objections 3 and 4 are maintained. Your comments have not been persuasive. Please provide direction to parts of the description as filed and supporting arguments to rebut the objections of lack of fair basis. Merely amending the description as you have does not necessarily overcome these objections.
8. Objection 2 is maintained. Your comments have not been persuasive. It is noted that the claims do not define how handover is facilitated, for example claim 2. I do not concur with your interpretation of the restriction of the claims been to handover. Further, even if the claims are subsequently shown to be novel then the issue of inventive step is not satisfied merely by pointing out a difference. Please provide comments indicating novel features of the claims and how these features provide an inventive step.
9. Claims 1 to 30 are not novel and lack an inventive step in light of GB 2289191 A (MOTOROLA INC.) 8<sup>th</sup> November 1995. Disclosed therein is a method of inter system handover in which a mobile station is provided a list of networks. It will be noted that an alternative is for the mobile station to form a list of networks by scanning.

Please note that your referenced "Notification of Search Results" supplied only a copy of the Australian examination First Report. Should other search results be available then these should be supplied, such as searches by the UK or Japanese Patent Offices.

You have until 30 July 2004 to overcome all my objection(s) otherwise your application will lapse.  
You will need to pay a monthly fee for any response you file after 12 months from the date of the first report.

Yours faithfully,

**RICHARD REED**  
Examiner of Patents, Section C3  
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